

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
IN THE UNITED STATES DISTRICT COURT FILED
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION 2013 JAN 31 AM 10:03

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UNITED STATES OF AMERICA

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v.

Criminal No. 3:12-CR-392-O

TONY HERNANDEZ (1)

FACTUAL RESUME

INDICTMENT:

Count 1 - 21 U.S.C. § 846, conspiracy to possess with the intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A).

ELEMENTS OF THE OFFENSE:

In order to establish the crime of conspiracy to possess with the intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 846, as set out in the indictment, the Government must prove the following elements beyond a reasonable doubt:

- First: That the defendant and another person reached an agreement to distribute and possess with intent to distribute methamphetamine;
- Second: That the defendant knew of the unlawful purpose of the agreement;
- Third: That the defendant joined in the agreement willfully, that is, with the intent to further its unlawful purpose; and
- Fourth: That the overall scope of the conspiracy involved 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine.

STIPULATED FACTS:

During the time of the conspiracy as alleged in the indictment, Tony Hernandez and others conspired to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine in the Northern District of Texas and elsewhere.

During the course of the investigation of this drug conspiracy, a confidential source (CS) and undercover employees (UCE) with the Federal Bureau of Investigation (FBI) purchased methamphetamine from members of that organization, including Tony Hernandez. Some examples: On January 13, 2012, the CS called Hernandez and ordered eight ounces of methamphetamine, which Hernandez stated would be delivered. A short time later, Baltazar Vasquez arrived and provided 221.2 grams of methamphetamine to the CS. On February 9, 2012, the CS called Hernandez and ordered 16 ounces of methamphetamine, which Hernandez stated would be delivered. A short time later, Hernandez arrived and delivered 438.6 grams of methamphetamine to the CS. On March 29, 2012, the CS called Hernandez and ordered 16 ounces of methamphetamine, which Hernandez stated would be delivered. A short time later, Baltazar Vasquez arrived and delivered 438.5 grams of methamphetamine to the CS. Finally, on November 4, 2012, a UCE called Miguel Quintero and negotiated the purchase of three kilograms of methamphetamine, to be sold one kilogram at a time. The following day, the UCE met with Quintero and waited for Hernandez and another to

deliver the first kilogram of methamphetamine. Quintero retrieved the methamphetamine from Hernandez and delivered it to the UCE.

Hernandez agrees that the conspiracy involved 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine and that he committed each of the essential elements of the drug conspiracy as set out in this factual resume. This factual resume is not intended to be a complete accounting of all the facts and events related to the offenses charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support Hernandez's guilty plea to Count One as set forth in the pending indictment.

AGREED TO AND SIGNED on this 31 day of January, 2013.

Tony Hernandez
TONY HERNANDEZ
Defendant

Kenneth Weatherpoon
KENNETH WEATHERSPOON
Attorney for Defendant
Texas State Bar No. 21004100

SARAH R. SALDAÑA
UNITED STATES ATTORNEY

JRK
JOHN KULL 010413
Assistant United States Attorney
Texas State Bar No. 00791057
1100 Commerce Street, 3rd Floor
Dallas, Texas 75242-1699
Telephone: 214.659.8600
Facsimile: 214.659.8803
E-mail: john.kull@usdoj.gov

RC
RICHARD CALVERT
Deputy Criminal Chief
Texas State Bar No. 03669700